

1 United States of America,)
2)
3 Plaintiff,)
4 v.) No. CR-09-0167-DLJ
5 Edward Sullivan,)
6 Defendant.)
7)

ORDER

8 In an order dated April 19, 2011 this Court requested that
9 the Glen Dyer facility permit defendant Sullivan to participate
10 in the *pro per* program in accordance with any regulations of
11 the facility governing such program. An issue has now arisen
12 as to defendant's inclusion in that program and therefore his
13 telephone access at the facility.

14 Defendant has filed a Motion for Court Ordered Phone
15 Calls. In that Motion he requests that he be granted two hours
16 a week of telephone time. The County Sheriff's Office has
17 responded that because Sullivan has co-counsel in the case,
18 they do not consider him to be a *pro per* and thus eligible for
19 inclusion in the *pro per* program with its telephone access.
20 Additionally, in the pleading counsel makes reference to the
21 limited resources of the Glenn Dyer Jail facility.


22 The Court is mindful of the restricted resources of the
23 Glenn Dyer Jail. Nonetheless, after a hearing on the matter
24 back in April of 2011, the Court specifically held that
25 Defendant Edward Sullivan acted as co-counsel throughout the
26 entirety of his trial and found that he wished to continue to
27 act as his own counsel, with the assistance of co-counsel for
28 the remainder of the proceedings. The Court believes that this

1 finding, and the subsequent Order of the Court affirming that
2 finding, distinguishes Sullivan's situation from those
3 incarcerated at the Glenn Dyer facility who may wish to claim
4 that they are pro se when in fact they are represented by
5 counsel.

6 As Sullivan has and continues to represent himself in this
7 case, the Court believes it appropriate for him to have phone
8 access to the same extent and in the same manner that the Glenn
9 Dyer facility accords any inmate representing himself.

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11
12 IT IS SO ORDERED.

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14 Dated: September 9, 2011


D. Lowell Jensen
United States District Judge